

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
Comcast Cable Communications, LLC,)
on behalf of its subsidiaries and affiliates)

CSR No. _____

For Determination of Effective Competition in:)
Grants, NM (NM0037))
Cibola County, NM (NM0080)(NM0082)(NM0083))

To: Office of the Secretary
Attn: Chief, Media Bureau

PETITION FOR SPECIAL RELIEF

Comcast Cable Communications, LLC, on behalf of its subsidiaries and affiliates (“Comcast”), pursuant to Sections 76.7 and 76.907 of the Commission’s rules,¹ requests that the Commission find that Comcast faces “effective competition” in above-referenced New Mexico areas (the “Franchise Areas”).

The Communications Act of 1934, as amended (the “Act”), and the Commission’s rules provide that cable television rates may be regulated only in the absence of effective competition.² Cable operators are entitled to demonstrate that effective competition exists on a franchise-by-franchise basis.³ When a cable operator demonstrates that effective competition exists within a franchise area, cable rates in the affected area are no longer subject to regulation.⁴

¹ 47 C.F.R. §§ 76.7 and 76.907.

² 47 U.S.C. § 543(a)(2); 47 C.F.R. § 76.905(a).

³ 47 C.F.R. § 76.907.

⁴ See *Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992, Rate Regulation*, 8 FCC Rcd. 5631, 5664-5665 (1993) (“Rate Order”).

Under the “competing provider” test set forth in Section 623(1)(1)(B) of the Act and Section 76.905(b)(2) of the Commission’s rules (the “Competing Provider Test”), a cable system will be deemed subject to effective competition if:

- (i) the franchise area is served by at least two unaffiliated multichannel video programming distributors (“MVPDs”), each of which offers comparable programming to at least 50 percent of the households in the franchise area; and
- (ii) the number of households subscribing to multichannel video programming other than the largest MVPD exceeds 15 percent of the households in the franchise area.⁵

As demonstrated below, the Competing Provider Test is satisfied in the Grants Franchise Area, because two unaffiliated MVPDs serve over 50 percent of the Franchise Area’s households with comparable programming and the reported penetration rate for DBS providers exceeds the 15 percent threshold in the Franchise Area.

In addition, under the “low penetration” test set forth in Section 623(1)(1)(A) of the Act and Section 76.905(b)(1) of the Commission’s rules (the “Low Penetration Test”), a cable system serving less than 30 percent of the subscribers in a particular franchise area shall be deemed subject to effective competition and exempt from rate regulation in that community.⁶ Comcast satisfies the Low Penetration Test in the Cibola County Franchise Area. As shown below, the reported penetration level for Comcast is less than one percent in this Franchise Area.

I. THE COMPETING PROVIDER TEST IS SATISFIED IN ONE OF THE TWO FRANCHISE AREAS

The two prongs of the Competing Provider Test are straightforward and objective. Both prongs of this test clearly are satisfied in the Grants Franchise Area.

⁵ 47 U.S.C. § 543(1)(1)(B)(i) and (ii); 47 C.F.R. § 76.905(b)(2)(i) and (ii).

⁶ See 47 U.S.C. § 543(1)(1)(A) and 47 C.F.R. § 76.905(b)(1).

A. More Than Two Unaffiliated MVPDs Offer Programming Comparable to Comcast to Over 50 Percent of the Households in the Franchise Area.

The first prong of the Competing Provider Test requires that a franchise area must be served by “at least two unaffiliated multichannel video programming distributors...”⁷ This requirement is easily satisfied, because the two major direct broadcast satellite providers (DirecTV, Inc. and Dish Network, Corp.) (“DBS Providers”) are unaffiliated with Comcast and “offer” programming that is comparable to Comcast to more than 50 percent of the households in Comcast’s Franchise Areas.

Service of an MVPD will be deemed “offered” when it is both technically and actually available.⁸ The Commission has determined that DBS service is presumed to be “technically available” throughout the country due to its nationwide satellite footprint.⁹ Comcast’s Franchise Areas are well within the satellite footprint of DirecTV and Dish Network. Thus, both DirecTV and Dish Network are “technically available” in the Franchise Area.

DBS service is presumed to be “actually available” if households in a franchise area are made “reasonably aware” that the service is available.¹⁰ The Commission has stated that “a party may use evidence of penetration rates in the franchise area (the second prong of the competing provider test ...) coupled with the ubiquity of DBS services to show that consumers are

⁷ 47 U.S.C. § 543(1)(1)(B)(i); 47 C.F.R. § 76.905(b)(2)(i). Section 602 of the Communications Act of 1934, as amended, defines “multichannel video programming distributors” to include cable operators, as well as DBS and MMDS providers. See 47 U.S.C. § 522(13).

⁸ *Rate Order* ¶ 29.

⁹ See *MediaOne of Georgia, Inc.; Petition for Revocation of the Certification of Gwinnett County, Georgia*, 12 FCC Rcd. 19406, ¶ 5 n.16 (1997) (citing *Rate Order*, at 5660-5661).

¹⁰ See *Rate Order* ¶ 32 (citations omitted). See also *Charter Communications, LLC d/b/a Charter Communications Petition for Determination of Effective Competition in Fourteen North Carolina Communities, et al*, 19 FCC Rcd. 7003, ¶ 4 (2004).

reasonably aware of the availability of DBS service.”¹¹ The same reasoning applies here.

DirecTV and Dish Network are among the largest MVPDs in the nation.¹² With approximately 33.8 million subscribers nationwide,¹³ comprising over 33 percent of all MVPD subscribers,¹⁴ ubiquitous advertising, and the substantial DBS penetration figures in the Franchise Area, it is clear that consumers in the Franchise Area are “reasonably” aware of the availability of DBS competitors.¹⁵ Accordingly, both DirecTV and Dish Network are presumed to be “actually

¹¹ *Comcast Cable Communications, LLC Petition for Determination of Effective Competition in Various Michigan Communities*, 23 FCC Rcd. 9595, ¶ 5 (2008), citing *Mediacom Illinois LLC et al., Eleven Petitions for Determination of Effective Competition in Twenty-Two Local Franchise Areas in Illinois and Michigan*, 21 FCC Rcd. 1175 (2006) (“*Comcast – Various Michigan Communities*”). Thus, the Commission has not required the production of advertising to demonstrate that households in the franchise area are “reasonably aware” of the availability of DBS service. See *Bright House Networks, LLC Petition for Determination of Effective Competition (Lake Alfred and Dundee FL)*, 22 FCC Rcd. 4390, ¶ 6 (2007) (“Over more than ten years, we have made hundreds of findings that households in particular franchise areas are reasonably aware that they may purchase DBS services based on localized evidence. These accumulated showings amount to substantial evidence that households in all franchise areas are reasonably aware that they may purchase DBS services. In at least one earlier reported decision, we found households in a franchise area to be reasonably aware that they may purchase DBS service solely based on evidence of DBS’s nationwide growth and local subscriptions, without reference to advertising or other promotion.”) (“*Bright House Networks – Florida*”).

¹² See *Thirteenth Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming*, MB Docket No. 06-189, FCC 07-206, ¶ 76 (rel. Jan. 16, 2009).

¹³ See Press Release, DirecTV Inc., *DirecTV Announces Fourth Quarter and Full Year 2011 Results* (Feb. 16, 2012) (reporting that, as of December 31, 2011, DirecTV (US) had 19.9 million subscribers), available at <http://investor.directv.com/releasedetail.cfm?ReleaseID=649162>; See Press Release, Dish Network, *Dish Network Reports Fourth Quarter and Year End 2011 Financial Results* (Feb. 23, 2012) (reporting that, as of December 31, 2011, Dish Network had approximately 13.97 million subscribers), , available at <http://press.dishnetwork.com/press-releases/dish-network-reports-fourth-quarter-and-year-end-2-nasdaq-dish-0855001>.

¹⁴ Georg Szalai, *Pay TV Operators Added 300,000 Subscribers in Fourth Quarter*, The Hollywood Reporter, March 19, 2012 (citing SNL Kagan report of 100.31 million video subscribers by the end of 2011), available at <http://www.hollywoodreporter.com/news/pay-tv-operators-added-subscribers-fourth-quarter-snl-kagan-showtime-starz-hbo-301624>.

¹⁵ See, e.g., *Comcast – Various Michigan Communities* ¶ 5; *Bright House Networks – Florida* ¶ 6.

available” in the Franchise Area, and are offered to over 50 percent of the households in the Franchise Area.

The Competing Provider Test also requires that the programming offered by the competing provider must be “comparable” to the programming offered by the cable operator.¹⁶ The Commission’s rules define comparable programming as “at least 12 channels of video programming, including at least one channel of nonbroadcast service programming.”¹⁷ The Commission has repeatedly recognized that the DBS Providers offer comparable programming under the Commission’s Competing Provider Test.¹⁸ Each of the DBS Providers offer well over 100 video channels, most of which are non-broadcast services.¹⁹ And, as shown in the attached channel line-up, Comcast’s programming service offerings in the Franchise Area are substantially similar to the DBS Providers’ programming services.²⁰

Based on the above facts, Comcast has satisfied the first prong of the Competing Provider Test.

B. The Competing Providers Serve Greater Than 15 Percent of the Households In Comcast’s Franchise Area.

The second prong of the Competing Provider Test requires that the subscriber base of competing MVPDs, other than the largest MVPD, exceeds 15 percent of franchise area households.

¹⁶ See 47 U.S.C. § 543(1)(1)(B)(i); 47 C.F.R. § 76.905(b)(2)(i).

¹⁷ 47 C.F.R. § 76.905(g).

¹⁸ See, e.g., *Comcast Cablevision of Maryland, Inc., Petitions for Determination of Effective Competition (Charles County, MD)*, 19 FCC Rcd. 7130, ¶ 4 (2004) (“We find that the programming of DBS providers satisfies the Commission’s program comparability criterion because DBS providers offer more than 12 channels of video programming, including more than one non-broadcast channel.”).

¹⁹ See Channel Line-ups of DirecTV and Dish Network, attached hereto as Exhibit 1.

²⁰ See Comcast Channel Line-up, attached hereto as Exhibit 2.

DBS Providers track their subscribers according to the zip codes where each subscriber resides, rather than by political jurisdiction. In this case, Comcast relied on ZIP+4 codes associated with the Franchise Area in order to determine the number of DBS subscribers within the Franchise Area.²¹ The Commission has previously accepted ZIP+4 codes as “reasonable and sufficiently reliable for purposes of determining the presence of effective competition,”²² and stated its preference for this approach.²³

To determine the relevant ZIP+4 codes for the Franchise Area, Comcast contacted Media Business Corp. (“MBC,” previously known as “SkyTrends”). MBC has developed a process to accurately identify the ZIP+4 codes that correspond with the political boundaries of a particular community. This process utilizes enhanced mapping software that correlates ZIP+4 codes with the U.S. Census Department’s “block group” level households. The “block group” measurement is the most precise Census tool available to measure households within a very small geographical area. With this software, MBC was able to identify the ZIP+4 codes that lie within the Franchise Area.²⁴

Comcast next provided all of the ZIP+4 codes for the Franchise Area to the Satellite Broadcasting and Communication Association (“SBCA”). SBCA is the national trade

²¹ In certain instances, the *entire* 5-digit ZIP code is located within a particular franchise area. In these situations, Comcast used that standard 5-digit ZIP code, rather than the more detailed ZIP+4 analysis, as the additional detail would not provide any greater accuracy.

²² See *Cable One, Inc. Petition for Determination of Effective Competition in Pocatello, Idaho*, 18 FCC Rcd. 12792, ¶ 8 (2003), quoting *Falcon Cable Systems II, a California Limited Partnership, d/b/a Charter Communications Petition for Determination of Effective Competition in Twelve Oregon Cities*, 17 FCC Rcd. 4648 (2002).

²³ See Public Notice, “Commission Announces New Standards for Showings of Effective Competition For Cable Service,” 23 FCC Rcd. 12067 (2008). The Commission stopped short of requiring ZIP+4 evidence in effective competition cases. See Public Notice, “Commission Clarifies Standards for Evidence of Competing Provider Effective Competition for Cable Service,” DA 09-1361, 24 FCC Rcd. 8198 (2009).

²⁴ See Letter from MBC (explaining ZIP+4 methodology), attached hereto as Exhibit 3.

association representing the two major DBS Providers, and it has assumed the responsibility for compiling subscribership data and responding to data requests from cable operators and franchising authorities engaged in effective competition proceedings. The DBS subscriber numbers reported in the attached Effective Competition Tracking Reports (“ECTR”) from SBCA reflect the total DBS subscribers within the individual ZIP+4 codes associated with the Franchise Area.²⁵

Finally, Comcast compared the DBS subscribership figures reported by SBCA with its own subscribership, and was able to confirm that Comcast serves in excess of 15 percent of the households, while DBS Providers serve 45.87 percent. The Commission has recognized that where “the subscribership penetration for both [the cable operator] and the aggregate [competing provider] information each exceed 15 percent in the franchise area, the second prong of the competing provider test is satisfied.”²⁶ Thus, it is immaterial in this Franchise Area which MVPD is the largest, because both competing providers (as shown below) and cable readily pass the 15 percent threshold.

To determine whether DBS subscribership exceeds the statutorily mandated 15 percent threshold in the Franchise Area, Comcast compared the competing providers’ subscribership to the most recent U.S. Census occupied household unit figures for the community.²⁷ This comparison yields the penetration rate for DBS Providers in the Franchise Area.

²⁵ See Exhibit 4 (providing total ZIP+4-based DBS subscribership for the Franchise Area, as well as all ZIP+4 data relied on in the Petition).

²⁶ See *Charter Communications – Seven Local Franchise Areas In Missouri*, 21 FCC Rcd. 1208, ¶ 5 (2006).

²⁷ 2010 Census Data household data figures are available at <http://factfinder.census.gov>, the relevant pages of which are attached hereto as Exhibit 5.

As detailed in Exhibit 6, the subscriber rate for the DBS Providers in the Franchise Area exceeds the 15 percent threshold required under Section 623(1)(1)(B) of the Act. Accordingly, Comcast meets the second prong of the Competing Provider Test.

Because Comcast meets both prongs of the Competing Provider Test in the Grants Franchise Area, it faces effective competition in this Franchise Area.

II. THE LOW PENETRATION TEST IS SATISFIED IN ONE OF THE TWO FRANCHISE AREAS

In addition to satisfying the Competing Provider Test above, Comcast is entitled to an effective competition determination in the Cibola County Franchise Area, because the Company serves less than 30 percent of the local households in this particular Franchise Area.

Section 623(l)(1)(A) of the Act provides that a cable system will be deemed subject to effective competition if “fewer than 30 percent of the households in the franchise area subscribe to the cable service of a cable system.”²⁸ The measurement of subscribership under this test “will be based on the subscribership of the particular cable system in question, and not an aggregation of the subscriberships of all cable systems and competitors in the franchise area.”²⁹

To determine whether Comcast subscribership is less than 30 percent in this Franchise Area, Comcast compared the Company’s subscribership to the U.S. Census household figures for the community.³⁰ This comparison yields a Comcast penetration rate of 0.06 percent in the Cibola County Franchise Area.³¹

²⁸ 47 U.S.C. § 543(1)(1)(A); 47 C.F.R. § 76.905(b)(1). *See also CC Michigan L.L.C. d/b/a Comcast Communications*, 17 FCC Rcd. 1513, ¶ 2 (2002).

²⁹ *Rate Order* ¶ 18.

³⁰ *See* Exhibit 5.

³¹ *See* Exhibit 7.

Comcast has demonstrated that fewer than 30 percent of the households in the Cibola County Franchise Area subscribe to the Company's cable service. Accordingly, Comcast has satisfied the criteria for establishing effective competition under 47 C.F.R. § 76.905(b)(1) for this Franchise Area.

CONCLUSION

Comcast's cable system is subject to effective competition in one of the Franchise Areas under the Competing Provider Test. The Company is subject to effective competition in one of the Franchise Areas under the Low Penetration Test. Based on the evidence presented herein, Comcast respectfully requests that the Media Bureau issue an order acknowledging the presence of effective competition in each of the two New Mexico Franchise Areas as of the filing date of this Petition.

Respectfully submitted,

Comcast Cable Communications, LLC
on behalf of its subsidiaries and affiliates

By: 

Frederick W. Giroux

Davis Wright Tremaine, LLP
1919 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 20006
(202) 973-4200

September 27, 2012

Its Attorney

CERTIFICATION PURSUANT TO 47 C.F.R. § 76.6(a)(4)

The below-signed signatory has read the foregoing Petition for Special Relief, and to the best of my knowledge, information and belief formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; and is not interposed for any improper purpose.

Respectfully submitted,

Comcast Cable Communications, LLC
on behalf of its subsidiaries and affiliates

By:


Frederick W. Giroux

Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20006
(202) 973-4200

September 27, 2012

Its Attorney

DECLARATION OF WARREN FITTING

I, Warren Fitting, declare, under penalty of perjury that:

1. I am the Senior Director of Regulatory Accounting for Comcast Cable Communications, LLC ("Comcast").
2. I have read the foregoing Petition for Special Relief ("Petition") and am familiar with the contents thereof and the matters referred to therein.
3. I have reviewed Comcast's respective cable subscriber numbers for the Franchise Areas at issue in this Petition, as well as the DBS subscriber numbers provided by SBCA for the individual Franchise Areas as described in the Petition. In the Grants Franchise Area, the aggregate penetration rate for the competing providers, as well as the penetration rate for Comcast, exceeds 15 percent.
4. The facts contained within the Petition are true and correct to the best of my knowledge, information and belief.

Date

September 13, 2012

Warren Fitting

Warren Fitting

EXHIBIT 1



PREMIER package

285* digital channels

Print channels for ZIP Code 17303 (No locals available)

PRINT

EN ESPAÑOL

ONCE México*	447	V-me*	440	mun2	410
--------------	-----	-------	-----	------	-----

NATIONALS

3net (HD)	107	Disney Channel (West)	291	Hope*	368	RFD TV	345
A&E	265	Disney XD	292	INSP	364	ReelzChannel	238
ABC Family	311	Documentary Channel	267	ION Television	305	SOAPnet	262
American Movie Classics (AMC)	234	E! Entertainment	236	ION Television West	347	Science Channel	284
Animal Planet	282	ESPN	206	Independent Film Channel (IFC)	559	ShopNBC	316
Audience Network	239	ESPN 3D (HD)	106	Investigation Discovery (ID)	285	Speed Channel	607
BBC America	264	ESPN2	209	Jewelry Television	313	Spike	241
BYU TV	374	ESPN3	207	Jewish Life Television*	366	Style	235
Big Ten Network	610	ESPNU	208	Lifetime	252	Syfy Channel	244
Biography Channel	266	EWTN	370	Lifetime Movie Network	253	TBS	247
Black Entertainment Television (BET)	329	Enlace Christian Television*	448	LinkTV	375	TCT Network	377
Bloomberg Television	353	FUEL TV	618	Logo	272	TNT	245
Boomerang	298	FX	248	MHz WORLDVIEW*	2183	TV Guide Network	273
Bravo	237	Food Network	231	MLB Network	213	TV Land	304
CBS Sports Network	613	Fox Business Network	359	MSNBC	356	TV One	328
CCTV-9	2053	Fox Movie Channel	258	MTV	331	TeenNick	303
CMT	327	Fox News Channel	360	MTV2	333	Tennis Channel	217
CNBC	355	Free Speech TV*	348	Military Channel	287	The Hub	294
CNBC World	357	Fuse	339	NASA TV	289	The Learning Channel	280
CNN	202	GEM NET (Global Expansion Media Network)*	2068	NBA TV	216	The Sportsman Channel	605
CSPAN 1	350	GOD TV	365	NFL Network	212	The Word Network	373
CSPAN 2	351	GSN, the network for games	233	NHL Network	215	Travel Channel	277
Cartoon Network (East)	296	Galavision	404	NRB	378	Trinity Broadcasting Network (TBN)	372
Cartoon Network (West)	297	Go!TV HD English	620	Nat Geo WILD	283	TruTV	246
Centric	330	Golden Eagle Broadcasting*	363	National Geographic Channel	276	Turner Classic Movies (TCM)	256
Chiller	257	Golf Channel	218	Nick Jr.	301	USA Network	242
Christian Television Network (CTN)	376	Gospel Music Channel	338	Nickelodeon (East)	299	Univision	402
Church Channel	371	Great American Country	326	Nickelodeon (West)	300	VH1	335
Cloot	308	HZ	271	Nicktoons Network	302	VH1 Classic	337
Comedy Central	249	HD Theater	281	OWN	279	Versus	603
Cooking Channel	232	HDNet	306	Ovation TV	274	WE: Women's Entertainment	260
Current TV	358	HITN*	438	Oxygen	251	WGN America	307
DIY Network	230	Hallmark Channel	312	PBS	0	Weather Channel	362
Daystar	369	Headline News	204	PBS Kids Sprout	295	World Harvest Television	367
Discovery Channel	278	History Channel	269	Planet Green	286	n3D	103
Discovery Fit & Health	261	Home & Garden Television (HGTV)	229	Pursuit Channel	608		
Disney Channel (East)	290	Home Shopping Network	240	QVC	275		

PREMIUMS

5STARMAX HD East	520	FLIX ON DEMAND®	1557	MoreMAX	517	STARZ® ON DEMAND	1527
@MAX HD East	523	FOX Deportes	624	Outdoor Channel	606	Showtime Beyond HD	550
ActionMAX HD	519	Flix	557	SHOWTIME	545	Showtime Next HD	551
Cinemax East	515	Fox Soccer Channel	619	SHOWTIME (West)	546	Showtime Women HD	552
Cinemax West	516	Go!TV	620	SHOWTIME 2	547	Sundance Channel	553
ENCORE (East)	535	HBO (East)	501	SHOWTIME Extreme	549	Sundance ON DEMAND	1558
ENCORE (West)	536	HBO (West)	504	SHOWTIME ON DEMAND	1545	THE MOVIE CHANNEL™	1554
ENCORE Action	541	HBO 2 (East)	502	SHOWTIME Showcase	548	ON DEMAND	
ENCORE Drama	540	HBO 2 (West)	505	STARZ (East)	527	TMC Xtra HD East	556
ENCORE Family	542	HBO Comedy HD	506	STARZ (West)	528	TVG - The Interactive Horseracing Network	602
						The Movie Channel (East)	554

PREMIUMS

ENCORE Love	537	HBO Family (East)	HD 507	STARZ Cinema HD	HD 531	The Movie Channel	555
ENCORE Suspense	539	HBO Family (West)	508	STARZ Comedy HD	HD 526	ThrillerMAX HD	HD 522
ENCORE Westerns	538	HBO Latino	HD 511	STARZ Edge	HD 529	WMAX HD East	HD 521
ENCORE ON DEMAND	1535	HBO Signature	HD 503	STARZ InBlack	HD 530		
ESPN Classic Sports	614	HBO Zone HD	HD 509	STARZ Kids & Family HD	HD 525		

REGIONAL SPORT NETWORKS

Altitude Sports & Ent.	HD 681	FS Arizona	HD 686	FS South Plus (2)	HD 648	ROOT SPORTS Rocky	HD 683
Altitude Sports	HD 682	FS Cincinnati	HD 661	FS Southwest	HD 676	Mountain	
Altitude Alternate	682	FS Detroit	663	FS Southwest Plus	HD 677	SportSouth	HD 649
CSN Bay Area	HD 696	FS Detroit Plus	HD 664	FS West	HD 692	SportSouth Plus	HD 650
CSN Bay Area Alternate	HD 697	FS Florida	HD 654	MASN 640	HD 640	SportsNet New York 639	HD 639
CSN California	HD 698	FS Florida Plus	HD 655	MSG Plus 635	HD 635	SportsTime Ohio 662	HD 662
CSN California alt 699	699	FS Midwest	HD 671	Madison Square Garden	HD 634	Sun Sports	HD 653
CSN Chicago Alt. #2	667	FS North	HD 668	634		Sun Sports Plus	HD 656
CSN MidAtlantic Alt.	HD 643	FS Ohio	HD 660	NESN 628	HD 628	Yankee Ent. & Sports	HD 631
CSN MidAtlantic 642	HD 642	FS South	HD 646	Prime Ticket	HD 694	(YES) 631	
CSN New England 630	HD 630	FS South Plus	HD 647	ROOT SPORTS Northwest	HD 687		
Comcast SportsNet	HD 665			ROOT SPORTS Pittsburgh	HD 659		
Chicago 665							

SATELLITE RADIO

SONICTAP: 60's Revolution	803	SONICTAP: College Rock	831	SONICTAP: Italian Bistro Blend	881	SONICTAP: Regional Mexican	873
SONICTAP: 70's Hits	804	SONICTAP: Dance	859	SONICTAP: Italian Contemporary	882	SONICTAP: Retro Disco	845
SONICTAP: 8-Tracks	840	SONICTAP: Familiar Favorites	880	SONICTAP: Jazz	852	SONICTAP: Rock en Espanol	878
SONICTAP: 80's Hits	805	SONICTAP: Fiesta Tropical	870	SONICTAP: Latin Hits	871	SONICTAP: Salsa	874
SONICTAP: 90's Hits	806	SONICTAP: Flashback/New Wave	839	SONICTAP: Latin Jazz	879	SONICTAP: Showtunes	823
SONICTAP: Adult Alternative	832	SONICTAP: Folk Rock	813	SONICTAP: Light Classical	866	SONICTAP: Silky Soul	843
SONICTAP: Adult Contemporary	821	SONICTAP: Full Metal Jacket	830	SONICTAP: Love Songs	819	SONICTAP: Silver Screen	822
SONICTAP: Alternative	834	SONICTAP: Gospel Glory	827	SONICTAP: Matt Shop Oldies	802	SONICTAP: Singer-Songwriters	836
SONICTAP: Bailamos!	869	SONICTAP: Great Standards	855	SONICTAP: Mariachi	876	SONICTAP: Smooth Jazz	851
SONICTAP: Be-Tween	867	SONICTAP: Groove Lounge	824	SONICTAP: Metro Blend	853	SONICTAP: Soft Hits	849
SONICTAP: Beautiful Instrumentals	820	SONICTAP: Hair Guitar	829	SONICTAP: Modern Country	814	SONICTAP: Spike	841
SONICTAP: Big Band/Swing	801	SONICTAP: Hallelujah	828	SONICTAP: Modern Workout	860	SONICTAP: SubTerranean	858
SONICTAP: Bluegrass	812	SONICTAP: Hit Country	809	SONICTAP: Musica De Las Americas	872	SONICTAP: Symphonic	864
SONICTAP: Blues	854	SONICTAP: Holidays & Happenings	815	SONICTAP: New Age	856	SONICTAP: The Boombox	846
SONICTAP: Carnival Brasileiro	877	SONICTAP: Honky Tonk Tavern	811	SONICTAP: Old School Funk	844	SONICTAP: The Playground	868
SONICTAP: Classic Hits Blend	837	SONICTAP: Hot Jamz	825	SONICTAP: PUMP!	861	SONICTAP: The Spirit	826
SONICTAP: Classic Jazz Vocal Blend	850	SONICTAP: Hottest Hits	818	SONICTAP: Piano	865	SONICTAP: Today's Hits	816
SONICTAP: Classic R&B	842	SONICTAP: Hurbana	875	SONICTAP: Rat Pack	807	SONICTAP: Traditional Country	808
SONICTAP: Classic Rock	833	SONICTAP: Hype	847	SONICTAP: Reality Bites	838	SONICTAP: Tranquility	884
SONICTAP: Classic Rock Workout	862	SONICTAP: Ink'd	835	SONICTAP: Red, Rock and Blues	810	SONICTAP: Y2k Hits	817
SONICTAP: Coffeehouse Rock	848	SONICTAP: Irish	883	SONICTAP: Reggae	863	SONICTAP: Zen	857

LOCALS

WGAL (NBC)	HD 8	WHTM (ABC)	HD 27	WLYH (CW)	15	WPMT (FOX)	HD 43
WHP (CBS)	HD 21	WITF (PBS)	HD 33				

*The following channels require a special dish or equipment: MHz, GEM NET, Hope Channel, JLTv, Once, HITN, V-Me, Enlace, Golden Eagle Broadcasting, and Free Speech TV. Please call 1-800-531-5000 for more information.

THERE'S SOMETHING FOR EVERYONE

America's Top 120

A&E	A&E	HD	118
ABC	ABC Family		
ALIVE	America Live		219
ANGEL	Angel One		282
ANGEL2	Angel Two		286
AXS	AXS TV	HD ONLY	131
BT	Business Television		9602
BUY!	Buy!		221
TOON	Cartoon Network (E) SAP	HD	176
TOONW	Cartoon Network (W)		
CCTVE	CCTV-E		884
CCNEWS	CCTV-News		265
CHRC	Church Channel		258
CMT	CMT	HD	168
CNBC	CNBC	HD	208
CNN	CNN	HD	200
COMEDY	Comedy Central		107
CSPN2	C-SPAN2		211
DYSTR	Daystar		263
DISC	Discovery Channel	HD	182
DISE	Disney Channel (E) SAP		
DISH	Disney Channel (W)		
DOC	Documentary Channel		197
EL	El Entertainment Television	HD	114
ESPN	ESPN	HD	140
ESPN2	ESPN2	HD	144
ESNEWS	ESPNEWS		142
ESPNU	ESPNU		141
FOOD	Food Network	HD	110
FOXW	FOX News Channel	HD	205
FX	FX	HD	136
GEMS	Gems & Jewelry TV		229
HGTV	HGTV	HD	112
HIST	History	HD	120
HNN	HLN	HD	202
HRTV	HorseRacing TV		404
HSN	HSN		84
HSN2	HSN2		226
ICTV	In Country Television		226
INSP	Inspiration Network		219
ION	ION (E)		259
IONW	ION (W)		217
JTV	Jewelry Television		227
LIFE	Lifetime	HD	108
MALL	Mall		220
MTV	MTV	HD	160
MTV2	MTV2		161
NICK	Nick/Nick at Nite (E) SAP	HD	170
NICKW	Nick/Nick at Nite (W)		
PRAYR	Prayer		256
QVC	QVC		137
REELZ	ReelzChannel	HD	239
SALE	Sale		225
SHOP	shop		224
SHNBC	ShopNBC		228
SN	SonLife Broadcasting Network		257
SPIKE	Spike TV	HD	188
SYFY	Syfy	HD	122
TBS	TBS	HD	139
TLC	TLC	HD	183
TRV	Travel Channel	HD	138
TVGAM	TV Game Network		405
TVGN	TV Guide Network		117
TVLND	TV Land		106
USA	USA	HD	105
VH1	VH1	HD	182
TWC	Weather Channel	HD	214

Satellite Music Channels	
Hopper	99
All other receivers	6002-6099
DishCD Music Channels	
Hopper	99
All other receivers	950-981

America's Top 200

includes all of America's Top 120 and the channels listed below.

APL	Animal Planet	HD	184
BBCA	BBC America	HD	135
BET	BET	HD	124
BIG10	Big Ten Network¹	HD	439
BRAVO	Bravo	HD	129
CBSSN	CBS Sports Network	HD	158
CURNT	Current TV		215
DISXD	Disney XD	HD	174
FOX	Fox Business Network	HD	206
G4	G4	HD	181
GLVSN	Galavision	HD	273
GOLF	Golf Channel	HD	401
GSN	GSN	HD	116
HLNRK	Hallmark Channel	HD	185
HUB	Hub	HD	179
ID	Investigation Discovery	HD	192
LMN	Lifetime Movie Network	HD	109
MLBN	MLB Network	HD	152
MSNBC	msnbc	HD	209
NTGEO	National Geographic Channel	HD	185
NBA TV	NBA TV	HD	156
NFL	NFL Network	HD	194
NHLN	NHL Network	HD	157
NICK	Nick Jr.		189
NUVO	nuvoTV		167
OVATN	Ovation		291
OWN	OWN: Oprah Winfrey Network	HD	189
OZYG	Ozzy		127
RFD-TV	RFD-TV	HD	231
SCI	Science	HD	193
SOAP	SOAPnet		253
SPEED	SPEED	HD	150
STYLE	Style	HD	115
TEEN	TeenNick		181
TFRAE	TeleFutura (E)¹		271
TFRAW	TeleFutura (W)¹	HD	272
TRUTV	truTV	HD	204
TCM	Turner Classic Movies	HD	132
UNVSN	Univision (E)		270
UNVSW	Univision (W)		828
UDEF	Univision Deportes Network		869

General Channels ¹		
BABY1	BabyFirstTV	9400
BLOCK	Blockbuster Studio Channel	102
BYUTV	BYUTV	9403
CTN	Christian Television Network	267
ARTS	Classic Arts Showcase	9406
CSPAN	C-SPAN	210
DN101	DISH 101	101
EARTH	DISH Earth	287
HOME	DishHOME (not available on Hopper)	100
ENLC	Enlace	9411
EWTV	Eternal Word Television <small>SAP</small>	281
PREVW	Free Preview Guide	103

Local Networks 2-70



Regional Sports Networks¹

Hopper	412
All other receivers	409-437

HD - Channels are broadcast in SD and HD unless noted as **HD ONLY**. To view channels broadcast in HD, you need an HD TV, a DISH HD receiver, and a DISH HD add-on package.

BOLD - Channels in bold are some of our most popular channels. SAP - Spanish audio feed available. Audio disponible en español. Available on select HD channels.

America's Top 250

includes all of America's Top 200 and the channels listed below.

BIO	Bio	HD	119
BT	Bloomberg Television	HD	203
BOOM	Boomerang	SAP	175
CHILR	Chiller		199
CLOO	cloo		198
COOK	Cooking Channel	HD	113
AMER	Destination America	HD	194
DIY	DIY	HD	111
ENCOR	Encore (E)	HD ONLY	340
ENCRW	Encore (W) SAP		341
EACTN	Encore Action		343
EDRAM	Encore Drama		345
ENFAM	Encore Family		347
ELOVE	Encore Love		346
ESUSP	Encore Suspense		344
EWSTN	Encore Westerns		342
EPXDR	EPIX DRIVE-IN	SAP	292
FOXMO	Fox Movie Channel		133
FSC	Fox Soccer Channel	HD	406
FUEL	FUEL TV		398
GMC	gmc		188
GAC	Great American Country (GAC)		185
H2	H2	HD	121
HMC	Hallmark Movie Channel	HD	187
MIL	Military Channel		195
MPLX	MoviePlex		377
MUN2	mun2		838
NATGW	Nat Geo WILD	HD	190
NBCSP	NBC Sports Network	HD	159
NICKT	Nicktoons Network		178
OTDCH	Outdoor Channel		396
RURAL	Rural TV		232
SPMAN	Sportsman Channel	HD	395
TENIS	Tennis Channel	HD	400
TMC-W	The Movie Channel (W) SAP		329
VERA	Veria	HD	218
VH1C	VH1 Classic		163
DISH Music Channels			98
Hopper			923-948
All other receivers			923-948

FSTV	Free Speech TV	9415
KBS	KBS World¹	9394
KTV	Kids & Teens Television (KTV)	264
LINK	Link TV	9410
NASA	NASA	212
ONPPV	Pay-Per-View Guide	500
PNTGN	Pentagon	9405
TBN	TBN	260
IMPCT	The Impact Network	9397
3ABN	Three Angels Broadcasting Network	9393
VME	V-ME	9414

Pay-Per-View

MOVIE	DISH Cinema	1
MOVIE	DISH Cinema	500-558
SPORT	Sports & Events	454-472

1. Channel availability based on one or more of the following: geographical location, time zone, programming package, dish antenna.

*Available with Multi-Smart Pack or a minimum of America's Top 120 Plus package.

Smart Pack

ALIVE	America Live	219
ANGEL	Angel One	282
ANGEL2	Angel Two	286
APL	Animal Planet	184
BIO	Bio	119
BT	Bloomberg Television	203
BOOM	Boomerang	SAP
BUY!	Buy!	221
CBSSN	CBS Sports Network	158
CCTVE	CCTV	884
CCNEW	CCTV-News	265
COOK	Cooking Channel	113
CSPN2	C-SPAN2	211
DYSTR	Daystar	263
DIY	DIY	111
DOC	Documentary Channel	197
FOOD	Food Network	110
FOXW	FOX News Channel	205
GEMS	Gems and Jewelry	229
GAC	Great American Country (GAC)	165
HLNRK	Hallmark Channel	185
HMC	Hallmark Movie Channel	187
HLN	HLN	202
HSN	HSN	84
HSN2	HSN2	226
HUB	Hub	179
ICTV	In Country Television	230
JTV	Jewelry Television	227
MALL	Mall	220
NICK	Nick/Nick at Nite (E)	170
NICKW	Nick/Nick at Nite (W)	171
NICKT	Nicktoons Network	178
OTDCH	Outdoor Channel	396
QVC	QVC	137
RFDTV	RFD-TV	231
SALE	Sale	225
SCI	Science	193
shop	shop	224
SHNBC	ShopNBC	228
TVLND	TV Land	106
TWC	Weather Channel	214



dish

For the most up-to-date Channel Lineup Card, please visit mydish.com/channelcard.



CHANNELS AND PACKAGES

Premium Movie Packages

HBO			
HBO-E	HBO (E) SAP	HD	300
HBOZE	HBO2 (E) SAP	HD	301
HBOSG	HBO Signature SAP	HD	302
HBO-W	HBO (W) SAP	HD	303
HBO2W	HBO2 (W) SAP		304
HBOFM	HBO Family SAP	HD	305
HBOCY	HBO Comedy SAP	HD	307
HBOZ	HBO Zone	HD/HD	308
HBO-LT	HBO Latino	HD	309

CINEMAX

MAX-E	Cinemax (E) SAP	HD	310
MAX-W	Cinemax (W) SAP	HD	311
MOMAX	MoreMAX SAP		312
ACMAX	ActionMAX SAP	HD	313
5-MAX	5StarMAX SAP	HD	314

SHOWTIME

SHO-E	Showtime (E) SAP	HD	318
SHO-W	Showtime (W) SAP	HD	319
SHOT0	Showtime 2 SAP	HD	320
SHOCS	Showtime Showcase SAP	HD	321
SHOEX	Showtime Extreme SAP		322
SBYND	Showtime Beyond SAP		323
TMC-E	The Movie Channel (E) SAP	HD	327
TMCXE	The Movie Channel extra (E) SAP		328
FLUX	FLUX		333

STARZ

ENCOR	Encore (E) SAP	HD	340
STARZ	Starz (E) SAP	HD	350
STRZW	Starz (W) SAP	HD	351
SEDGE	Starz Edge SAP	HD	352
SCINE	Starz Cinema SAP		353
STZC	Starz Comedy	HD	354
SBLCX	Starz InBlack SAP		355
SK&FM	Starz Kids & Family SAP	HD	356

Mini-Packs

EPIX			
EPIX1	EPIX 1 SAP	HD	380
EPIX2	EPIX 2 SAP	HD	381
EPIX3	EPIX 3 SAP	HD/HD	382
EPXDR	EPIX DRIVE-IN SAP		292

encore Movie Pak

ENCRW	Encore (W) SAP		341
EACTN	Encore Action		343
EDRAM	Encore Drama		345
ENFAM	Encore Family		347
ELOVE	Encore Love		346
ESUSP	Encore Suspense		344
EWSTN	Encore Westerns		342
MPLEX	MoviePlex		377

Mini-Packs

Blockbuster @Home
100,000 movies, shows and games by mail, thousands of titles streamed to your TV with an HD DVR connected to broadband Internet, 25,000 titles available on dishonline.com.

CTRC	Centric	HD/HD	371
CI	Crime & Investigation	HD/HD	388
ESUSP	Encore Suspense		344
EPIX1	EPIX 1 SAP	HD	380
EPIX2	EPIX 2 SAP	HD	381
EPIX3	EPIX 3 SAP	HD/HD	382
HMC	Hallmark Movie Channel	HD	187
HDNMV	HDNet Movies	HD/HD	383
INDIE	IndiePlex	HD/HD	378
LOGO	LOGO	HD/HD	373
MAVTV	MAVTV American Real		361
MGM	MGM	HD/HD	385
MPLEX	MoviePlex		377
PLDIA	Pakadia	HD/HD	389
PIXL	PixL	HD	388
RETRO	RetroPlex	HD/HD	379
SMC	Sony Movie Channel	HD/HD	386
SCINE	Starz Cinema		353
UNIHD	Universal HD	HD/HD	366
VLCITY	Velocity	HD/HD	384
WFN	World Fishing Network		394

Heartland

BABY	Baby TV SAP		824
GMC	gmc		188
GSN	GSN	HD	116
HLMRK	Hallmark Channel	HD	185
HMC	Hallmark Movie Channel	HD	187
HUB	Hub	HD	179
OWN	OWN: Oprah Winfrey Network	HD	189
PIXL	PixL SAP	HD	388
RFDTV	RFD-TV	HD	231
RURAL	Rural TV		232

Outdoor Sports

MAVTV	MAVTV American Real HD	HD/HD	381
OTDCH	Outdoor Channel		396
SPMAN	Sportsman Channel	HD	395
WFN	World Fishing Network		394

Multi-Sport

ESPCL	ESPN Classic		143
FSC	Fox Soccer Channel	HD	406
FUEL	FUEL TV		399
MLBN	MLB Network	HD	152
MLBSZ	MLB Network Strike Zone		153
NFL	NFL Network	HD	154
NFLRZ	NFL RedZone	HD	155
NBATV	NBA TV	HD	156
NHLN	NHL Network	HD	157
USN	Universal Sports		402

Plus over 25 Regional Sports Networks

A WHOLE NEW ANIMAL IN WHOLE-HOME ENTERTAINMENT



Enjoy a great deal more with DISH

Get Connected
Connect your DISH ViP® series DVR or Hopper receiver to your broadband Internet service and gain instant access to thousands of On Demand movies and TV shows.

Visit mydish.com/getconnected

DISH perks

There are a lot of benefits to being a DISH customer. You get things like month-long free previews, sweepstakes for trips, HDTVs and more, exclusive free shows, new channels, and tons of online content. And it's all included with your DISH service.

Get all the extras for nothing extra. Visit dishperks.com

Need some help?

mydish.com/support

facebook.com/dish

twitter.com/dish

[DISH 101 - Support Channel \(Ch. 101\)](https://dish101.com)

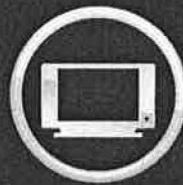


© 2012 DISH Network LLC. All rights reserved. HBO®, Cinemax® and related channels and service marks are the property of Home Box Office, Inc. Showtime and related marks are registered trademarks of Showtime Networks Inc., a CBS Company. Starz and related channels and service marks are the property of Starz Entertainment, LLC. All programming subject to change without notice.

EXHIBIT 2

xfinity®

XFINITY® TV Channel Line up



Effective August 2012

Grants

A minimum subscription to Limited Basic is required to receive other services or other levels of video programming. HD programming is only available to customers with an HDTV set (not provided by Comcast) and a digital converter with HDTV capabilities. A subscription to certain services may be required to receive certain HD programming. A monthly HD Technology fee is also required to receive HD programming. 3D programming is only available to customers with a minimum subscription to the Digital Starter package, a full 3D HDTV set (not provided by Comcast) and a digital converter with 3D/HD capabilities. A monthly 3D Technology fee and a monthly HD Technology fee are required to receive 3D programming. Channel offerings and required service levels are subject to change. Please contact 1-800-XFINITY with questions.

NM-014

Comcast



XFINITY® TV

Limited Basic

- 3 ESPN
- 4 KOB (NBC)
- 5 KNME (PBS)
- 6 KWBQ (CW)
- 7 KOAT (ABC)
- 8 QVC
- 9 WGN America
- 10 Local Origination
- 11 KCHF
- 12 KASA (Fox)
- 13 KRQE (CBS)
- 14 Disney Channel
- 15 TBS
- 16 ESPN 2
- 18 Spike
- 19 MTV
- 20 TNT
- 21 USA Network
- 22 ABC Family
- 23 CNN
- 24 Discovery Channel
- 26 Galavision
- 27 KTEL (Telemundo)
- 28 KLUZ (Univision)
- 29 HSN
- 34 KNAT
- 35 KASY (My Network TV)
- 36 A&E
- 38 VH1
- 39 AMC
- 40 Lifetime
- 42 TLC
- 43 FSN New Mexico
- 44 HGTV
- 45 MSNBC
- 46 CNBC
- 47 Fox News Channel
- 48 NBC Sports Network
- 49 Golf Channel
- 50 Food Network
- 51 E!
- 52 Comedy Central
- 53 Animal Planet
- 54 Nickelodeon
- 55 Outdoor Channel

Digital Starter

Includes Limited Basic

- 32 TV Guide Network
- 33 Cartoon Network
- 41 History
- 105 C-SPAN3
- 111 Investigation Discovery
- 114 BBC America
- 117 History
- 121 EWTN
- 125 The Weather Channel
- 126 Hallmark Channel
- 136 Cartoon Network
- 137 GAC
- 200 TV Guide Network
- 401-446 Music Choice

Digital Preferred

Includes Limited Basic and Digital Starter

- 102 ESPNews
- 105 C-SPAN3
- 109 National Geographic Channel
- 110 Science
- 112 Military Channel
- 113 Destination America
- 114 BBC America
- 115 bio.
- 116 H2
- 120 Disney Junior
- 130 The Hub
- 131 Nick Jr.
- 132 Nick 2
- 133 TeenNick
- 134 Encore Family
- 135 Disney XD
- 140 MTV 2
- 141 tr3s
- 142 MTV Jams
- 143 VH1 Classic
- 144 Centric
- 145 CMT Pure Country
- 150 Encore East
- 151 Encore West
- 152 Encore Action East

- 153 Encore Action West
- 154 Encore Mystery East
- 155 Encore Mystery West
- 156 Encore Love East
- 157 Encore Love West
- 158 Encore Drama East
- 159 Encore Drama West
- 160 Encore Western East
- 161 Encore Western West
- 166 Sundance West
- 171 Flix West
- 173 TV One
- 182 CBS College Sports

Digital Preferred Plus

Includes Limited Basic, Digital Starter, Digital Preferred, HBO and Starz

Digital Premier

Includes Limited Basic, Digital Starter, Digital Preferred, Digital Preferred Plus, Sports Entertainment Package, Cinemax and Showtime

Premium Services

Starz

- 370 Starz East
- 371 Starz Edge East
- 372 Starz In Black East
- 373 Starz West
- 374 Starz Kids & Family East
- 375 Starz Cinema East
- 376 Starz Cinema West

HBO

- 2 HBO West
- 305 HBO East
- 306 HBO West
- 307 HBO2 West
- 308 HBO Signature West
- 309 HBO Family West
- 310 HBO Zone East
- 312 HBO Latino West

Cinemax

- 322 Cinemax West
- 323 MoreMAX West
- 325 ThrillerMAX East
- 326 ActionMAX West
- 327 WMAX
- 328 ActionMAX
- 329 5StarMAX
- 330 OuterMAX

Showtime

- 343 Showtime West
- 344 Showtime Too West
- 345 Showtime Showcase West
- 348 Showtime Extreme West
- 349 Showtime Beyond East

The Movie Channel

- 351 The Movie Channel West
- 353 The Movie Channel Xtra West

Adult

- 250 Playboy TV

Pay Per View

- 201-204 PPV Movies & Events
- 251 Adult PPV
- 252 Adult PPV

EXHIBIT 3



Jan 12, 2012

Davis Wright Tremaine LLP
1919 Pennsylvania Avenue, N.W.
Suite 800
Washington, DC 20006

To Whom It May Concern:

Media Business Corporation ("MediaBiz") utilizes a multi-step process to accurately identify cable client franchise areas and associated ZIP and ZIP+4 Codes. (A ZIP+4 Code includes the five digits of the United States Postal Service ZIP Code, a hyphen, and four more digits that determine a more precise location than the ZIP Code.)

MediaBiz developed this methodology to address the potential shortcomings in utilizing 5-digit ZIP Code data for "Effective Competition" petitions. This basic methodology has been in place for several years and has been used successfully in many Effective Competition cases at the FCC.

Because ZIP Codes and municipal boundaries are created and managed by different government authorities, the boundaries of ZIP Codes and municipal boundaries often overlap. ZIP Codes frequently span between and beyond municipal boundaries. ZIP+4 Codes, however, usually reside in one and only one municipality. MediaBiz uses Place, Minor Civil Division (MCD), and County boundaries from Dynamap®, a division of Pitney Bowes Business Insight, to determine municipal boundaries. MediaBiz uses the Dynamap® ZIP+4 Centroids database, which contains ZIP+4 centroid correspondence for virtually all deliverable ZIP+4s, to identify ZIP+4 Codes within municipal boundaries, among the over 60 million ZIP+4s in all 50 states, DC, and Puerto Rico, based on current data from the USPS and the U.S. Bureau of the Census, and the Tele Atlas master street database.

MediaBiz then utilizes its ZIP+4 Code mapping to enable our clients to obtain proper "Direct-to-Home" (DTH) subscriber counts for their respective franchise areas by tracking DTH subscribers at the ZIP+4 Code level. (Where MediaBiz determines that a ZIP Code falls entirely within a franchise area, however, it is unnecessary to identify DTH subscribers at the ZIP+4 Code level for that 5-digit ZIP Code. In these instances, MediaBiz identifies such 5-digit ZIP Codes and, accordingly, DTH subscribers are identified by the 5-digit ZIP Code only.

Only ZIP+4 Codes that meet specific criteria are included in this report. The following criteria must be met:

- The centroid of the ZIP+4 Code is within the franchise area; and
- The USPS ZIP+4 Record Type (from Dynamap® ZIP+4 Centroids) is either H - high-rise or S - street

Our methodology has been used by many multiple system operators (MSOs) as part of their Effective Competition relief efforts, and we believe this methodology produces the most accurate and detailed view of ZIP+4 data as it relates to cable franchise areas.


Robert Lehmann
President

MediaBiz

EXHIBIT 4

ECTR – Effective Competition Tracking Report



Provided by
Satellite Broadcasting and Communications Association

Pursuant to Section 76.907(c) of the FCC Rules, and your effective competition tracking request dated January 9, 2012 please find the following Direct-to-Home (DTH) satellite subscriber numbers per zip code (and/or zip+4 where necessary). The provision and use of this Effective Competition Tracking Report is governed by and subject to the terms and conditions of the Agreement for Provision and Use of Confidential Data, between your company and SBCA.

Report Date: July 5, 2012

ZIP Codes	DTH Count
Requested total for Grants, NM	1526

Data is current through 5/31/2012

Report Prepared by:
Martin Esteves
Manager, Membership and Data Management
202-349-3630
mesteves@sbca.org

Methodology: Direct-To-Home (DTH) subscriber data reflects aggregated DIRECTV and DISH Network residential subscriber totals. The following data collection procedures are applied by Members in the normal course of business: a) single accounts with multiple receivers are only counted once; b) commercial and test accounts are not included; c) each occupied unit served in a multiple dwelling unit building has been counted as a separate residential subscriber; d) zip codes are taken from service locations (not billing addresses, where different); e) inactive accounts are routinely removed; f) invalid (undeliverable) addresses have been corrected where known; g) courtesy or complimentary accounts are included; and h) zip code information for Members' subscribers is periodically updated to reflect changes to zip codes by the United States Postal Service.

; oldest data from 2012-05-31

870202001	2
870202002	4
870202003	4
870202004	8
870202005	4
870202006	1
870202007	4
870202008	2
870202009	2
870202010	2
870202012	2
870202013	0
870202014	2
870202015	2
870202016	4
870202017	0
870202018	0
870202019	3
870202020	1
870202021	3
870202022	6
870202024	2
870202025	0
870202026	4
870202030	1
870202033	0
870202037	1
870202039	2
870202040	2
870202041	6
870202042	3
870202047	2
870202048	0
870202049	0
870202050	0
870202051	0
870202053	1
870202054	0
870202055	1
870202056	0
870202057	0
870202100	0
870202101	0
870202102	0
870202103	0
870202104	0
870202105	2
870202106	2
870202107	0
870202108	0
870202109	0

870202110	0
870202113	0
870202114	0
870202115	0
870202116	0
870202117	1
870202118	0
870202119	0
870202120	0
870202121	0
870202122	0
870202123	0
870202124	0
870202125	0
870202126	0
870202127	0
870202128	0
870202129	1
870202130	0
870202131	0
870202132	0
870202133	0
870202134	0
870202135	0
870202136	0
870202137	0
870202138	0
870202139	0
870202140	0
870202141	0
870202142	0
870202143	0
870202144	0
870202145	0
870202146	0
870202147	0
870202150	0
870202154	0
870202155	0
870202156	0
870202157	0
870202159	0
870202160	0
870202161	0
870202162	0
870202163	0
870202164	0
870202165	0
870202166	0
870202167	0
870202168	0
870202169	0

870202170	0
870202171	2
870202172	0
870202173	0
870202174	0
870202175	1
870202176	1
870202177	1
870202178	0
870202179	0
870202183	0
870202185	0
870202189	0
870202190	0
870202191	0
870202192	0
870202193	3
870202194	2
870202195	0
870202196	0
870202197	0
870202200	0
870202201	1
870202202	6
870202203	4
870202204	5
870202205	2
870202206	6
870202207	2
870202208	1
870202209	3
870202210	2
870202211	3
870202212	0
870202213	3
870202214	5
870202215	4
870202216	3
870202217	0
870202218	0
870202219	5
870202220	0
870202221	0
870202222	2
870202223	1
870202224	1
870202225	0
870202226	2
870202227	3
870202228	2
870202229	3
870202230	3

870202231	0
870202232	1
870202233	0
870202234	0
870202235	0
870202236	0
870202237	2
870202238	2
870202239	2
870202241	7
870202242	6
870202243	3
870202245	0
870202246	0
870202249	0
870202255	5
870202256	3
870202257	3
870202258	4
870202259	2
870202260	0
870202300	0
870202301	0
870202302	4
870202303	4
870202304	2
870202305	2
870202306	10
870202307	8
870202308	4
870202309	7
870202310	7
870202311	4
870202312	4
870202313	4
870202314	3
870202315	1
870202316	1
870202317	7
870202318	5
870202319	2
870202320	2
870202321	3
870202322	4
870202323	2
870202324	2
870202325	1
870202326	3
870202327	1
870202328	1
870202329	2
870202330	1

870202331	1
870202332	4
870202333	1
870202334	3
870202335	2
870202346	1
870202348	2
870202349	2
870202350	0
870202357	1
870202359	2
870202361	4
870202400	0
870202401	0
870202402	0
870202403	0
870202406	0
870202407	0
870202408	0
870202409	0
870202410	1
870202411	0
870202413	1
870202414	6
870202415	9
870202418	1
870202420	1
870202421	0
870202422	1
870202423	7
870202424	11
870202425	2
870202426	3
870202427	0
870202428	0
870202429	2
870202430	0
870202431	0
870202432	0
870202433	1
870202434	0
870202435	1
870202436	0
870202437	0
870202438	0
870202439	0
870202440	0
870202441	0
870202442	0
870202443	0
870202444	0
870202445	0

870202446	0
870202447	2
870202448	1
870202449	1
870202450	5
870202451	0
870202452	0
870202453	0
870202455	0
870202456	0
870202457	0
870202458	1
870202459	0
870202461	0
870202462	0
870202463	0
870202468	3
870202469	0
870202470	0
870202471	2
870202472	3
870202473	0
870202474	1
870202475	1
870202476	1
870202477	2
870202478	1
870202479	0
870202481	0
870202482	1
870202483	0
870202484	0
870202486	0
870202488	1
870202490	0
870202492	1
870202493	0
870202494	0
870202495	0
870202496	0
870202497	0
870202498	1
870202499	0
870202500	0
870202501	1
870202502	1
870202503	1
870202504	1
870202505	0
870202506	1
870202507	0
870202508	0

870202509	1
870202510	0
870202511	0
870202512	2
870202513	0
870202514	1
870202515	0
870202516	0
870202517	0
870202518	1
870202519	0
870202520	0
870202521	0
870202523	0
870202524	0
870202525	0
870202526	0
870202527	0
870202528	1
870202529	0
870202530	0
870202531	0
870202532	0
870202533	0
870202534	2
870202535	0
870202537	0
870202538	1
870202540	0
870202541	0
870202542	0
870202543	0
870202544	0
870202547	0
870202548	1
870202549	1
870202551	1
870202552	0
870202554	0
870202555	0
870202557	1
870202558	0
870202559	0
870202563	1
870202564	0
870202566	0
870202567	0
870202568	0
870202569	1
870202570	0
870202600	0
870202601	0

870202602	3
870202603	4
870202604	0
870202605	0
870202606	3
870202608	0
870202610	0
870202611	0
870202615	1
870202616	1
870202700	0
870202701	0
870202702	0
870202703	0
870202704	0
870202705	0
870202706	1
870202707	0
870202708	3
870202709	1
870202711	1
870202712	0
870202713	0
870202714	1
870202715	1
870202716	1
870202717	2
870202718	1
870202719	2
870202720	2
870202721	2
870202722	0
870202723	1
870202724	1
870202726	1
870202727	1
870202728	5
870202729	8
870202730	1
870202731	2
870202732	3
870202733	0
870202734	0
870202735	2
870202736	3
870202737	3
870202738	1
870202739	0
870202740	9
870202741	0
870202742	0
870202743	0

870202744	0
870202745	1
870202746	0
870202747	2
870202748	0
870202749	2
870202750	0
870202751	3
870202752	0
870202753	0
870202754	1
870202757	0
870202758	0
870202763	1
870202764	0
870202769	1
870202770	0
870202771	0
870202800	0
870202801	1
870202802	0
870202803	0
870202804	0
870202805	0
870202806	1
870202807	1
870202808	2
870202809	0
870202810	1
870202811	3
870202812	2
870202813	2
870202814	2
870202815	1
870202817	1
870202818	1
870202819	2
870202820	2
870202821	1
870202822	0
870202823	7
870202824	6
870202825	0
870202827	0
870202828	0
870202829	0
870202830	1
870202833	0
870202834	0
870202835	1
870202836	2
870202837	3

870202838	5
870202839	1
870202840	0
870202841	1
870202844	0
870202846	0
870202847	1
870202855	0
870202861	2
870202862	0
870202863	0
870202864	0
870202900	0
870202901	0
870202902	0
870202903	0
870202904	0
870202905	1
870202906	1
870202907	0
870202908	2
870202909	2
870202910	0
870202911	1
870202912	0
870202913	0
870202914	2
870202915	1
870202916	2
870202917	0
870202918	0
870202919	0
870202920	2
870202921	3
870202922	1
870202923	6
870202924	4
870202925	4
870202926	3
870202927	6
870202928	11
870202929	6
870202930	6
870202931	0
870202932	0
870202933	5
870202934	4
870202935	6
870202936	4
870202937	5
870202938	7
870202939	4

870202940	4
870202941	6
870202942	4
870202943	0
870202944	0
870202945	0
870202946	0
870202947	0
870202948	0
870202949	0
870202950	0
870202952	1
870202953	0
870202954	0
870202955	0
870202956	4
870202957	3
870202958	4
870202959	2
870202960	0
870202961	2
870202962	1
870202981	1
870202983	0
870202985	0
870202986	0
870202987	0
870202988	1
870202989	0
870202990	0
870202991	0
870202992	0
870202993	2
870202994	1
870202995	2
870202996	1
870202997	1
870202998	1
870202999	0
870203000	0
870203001	2
870203002	4
870203003	5
870203004	1
870203005	5
870203006	4
870203007	5
870203008	1
870203009	4
870203010	2
870203011	5
870203012	3

870203013	1
870203014	3
870203015	1
870203016	8
870203017	5
870203018	5
870203019	5
870203020	5
870203021	4
870203022	5
870203023	5
870203024	2
870203025	2
870203026	3
870203027	2
870203028	2
870203029	1
870203034	0
870203037	0
870203038	0
870203039	0
870203040	0
870203042	6
870203043	1
870203100	0
870203101	0
870203102	4
870203103	5
870203104	6
870203105	4
870203106	8
870203107	0
870203108	4
870203109	3
870203110	6
870203111	5
870203112	7
870203113	0
870203114	2
870203115	1
870203116	2
870203117	3
870203118	0
870203119	1
870203120	2
870203121	0
870203122	3
870203123	0
870203127	0
870203128	0
870203129	0
870203130	0

870203131	0
870203132	0
870203133	0
870203134	0
870203135	0
870203136	0
870203137	0
870203138	0
870203139	0
870203140	0
870203141	0
870203142	0
870203143	0
870203144	0
870203145	0
870203146	0
870203147	0
870203148	0
870203149	12
870203151	3
870203152	5
870203200	0
870203201	1
870203202	3
870203203	3
870203204	3
870203205	13
870203206	7
870203207	1
870203301	8
870203302	7
870203303	10
870203304	6
870203305	9
870203306	7
870203307	3
870203308	3
870203309	11
870203310	1
870203311	3
870203312	2
870203313	2
870203314	5
870203315	1
870203316	4
870203317	7
870203318	4
870203319	3
870203320	3
870203321	4
870203322	3
870203323	3

870203324	3
870203325	2
870203326	4
870203327	1
870203328	7
870203329	2
870203330	2
870203331	0
870203332	5
870203333	1
870203334	0
870203345	1
870203400	7
870203401	4
870203402	5
870203403	4
870203404	6
870203405	2
870203406	3
870203407	8
870203408	3
870203409	2
870203410	3
870203411	3
870203412	5
870203413	5
870203414	4
870203415	5
870203416	7
870203417	4
870203418	0
870203419	1
870203420	2
870203421	3
870203422	3
870203423	4
870203424	2
870203425	2
870203426	0
870203427	1
870203428	1
870203429	0
870203430	0
870203432	2
870203433	1
870203434	1
870203442	0
870203443	7
870203444	2
870203445	6
870203446	4
870203447	0

870203448	0
870203449	3
870203450	0
870203451	4
870203452	3
870203453	1
870203500	4
870203501	1
870203502	1
870203503	0
870203504	0
870203505	0
870203506	3
870203507	0
870203508	0
870203509	1
870203510	1
870203511	1
870203512	1
870203513	0
870203514	0
870203515	0
870203516	1
870203517	0
870203518	0
870203519	0
870203520	2
870203521	0
870203522	0
870203523	0
870203524	0
870203525	0
870203527	1
870203530	1
870203531	0
870203532	0
870203533	0
870203534	0
870203535	1
870203536	0
870203537	1
870203539	0
870203540	0
870203542	1
870203543	0
870203544	0
870203546	2
870203547	0
870203548	0
870203549	1
870203550	0
870203566	0

870203567	0
870203568	0
870203569	1
870203570	0
870203572	1
870203573	0
870203574	3
870203575	5
870203576	0
870203577	1
870203578	1
870203579	0
870203580	1
870203581	0
870203582	0
870203584	0
870203585	0
870203586	0
870203587	1
870203588	0
870203589	0
870203590	1
870203593	1
870203601	0
870203602	1
870203603	0
870203604	2
870203605	3
870203606	1
870203607	1
870203608	2
870203609	0
870203610	0
870203611	0
870203613	0
870203614	0
870203618	0
870203619	1
870203621	0
870203622	0
870203623	0
870203626	0
870203627	1
870203628	1
870203629	2
870203631	2
870203632	2
870203636	0
870203638	0
870203639	0
870203640	0
870203641	0

870203642	2
870203643	1
870203644	0
870203645	0
870203647	1
870203649	1
870203650	0
870203654	0
870203655	1
870203657	0
870203659	0
870203662	1
870203703	0
870203704	1
870203705	8
870203706	0
870203711	2
870203715	3
870203716	1
870203717	3
870203718	6
870203719	0
870203720	0
870203723	1
870203724	1
870203728	1
870203732	0
870203733	4
870203734	1
870203735	5
870203736	0
870203737	1
870203738	3
870203739	0
870203740	2
870203741	2
870203742	1
870203743	1
870203744	1
870203747	4
870203750	2
870203751	1
870203752	0
870203753	1
870203756	0
870203757	0
870203759	0
870203768	4
870203801	4
870203803	3
870203804	3
870203805	4

870203806	3
870203807	7
870203808	2
870203809	1
870203810	2
870203811	1
870203812	3
870203813	4
870203814	6
870203816	3
870203817	3
870203818	3
870203819	0
870203820	2
870203821	4
870203822	0
870203823	0
870203824	0
870203825	0
870203832	1
870203833	2
870203900	0
870203901	5
870203902	0
870203903	1
870203904	1
870203905	0
870203906	3
870203910	3
870203911	7
870203912	2
870203913	2
870203914	1
870203916	2
870203917	0
870203918	0
870203919	0
870203920	3
870203922	1
870203923	1
870203924	2
870203931	1
870203932	2
870203933	1
870203934	1
870204000	0
870204001	1
870204004	1
870204005	2
870204006	1
870204007	0
870204008	0

870204009	0
870204010	3
870204011	0
870204014	0
870204100	0
870204101	0
870204102	0
870204103	0
870204104	0
870204105	1
870204106	0
870204107	1
870204108	1
870204109	0
870204110	0
870204111	0
870204200	1
870204201	1
870204202	3
870204204	1
870204205	1
870204207	2
870204208	2
870204211	0
870204213	5
870204215	7
870204216	0
870204218	3
870204220	2
870204222	2
870204224	1
870204225	0
870204226	2
870204227	2
870204229	1
870204231	3
870204233	0
870204234	0
870204235	0
870204236	0
870204237	3
870204238	2
870204240	1
870204241	1
870204242	0
870204243	2
870204244	0
870204245	1
870204246	0
870204247	2
870204248	1
870204249	1

870204250	2
870204251	1
870204252	1
870204253	1
870205100	0
870205101	0
870205102	0
870205103	0
870205104	0
870205105	0
870207000	0
870209500	0
870209501	17
870209502	2
870209504	1
870209505	0
870209506	4
870209507	0
870209508	2
870209511	2
870209514	1
870209515	0
870209516	0
870209517	1
870209518	1
870209529	2
870209600	1
Total	1526

EXHIBIT 5

U.S. Census Bureau

AMERICAN

FactFinder 

H1

OCCUPANCY STATUS**Universe: Housing units****2010 Census Redistricting Data (Public Law 94-171) Summary File**

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see
<http://www.census.gov/prod/cen2010/pl94-171.pdf>

NOTE: Change to the California, Connecticut, Mississippi, New Hampshire, Virginia, and Washington P. L. 94-171
Summary Files as delivered.

	Grants city, New Mexico
1 - 3 of 3	Total: 3,804
	Occupied 3,327
	Vacant 477

Source: U.S. Census Bureau, 2010 Census.



GCT-H2

General Housing Characteristics: 2010 - County -- County Subdivision and Place

2010 Census Summary File 1

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/doc/sf1.pdf>.

Geography: Cibola County, New Mexico

Geographic area	Total housing units	Occupied housing units	Vacant housing units		
			Total	Percent	
				For sale only	For rent
① Cibola County	11,101	8,860	2,241	3.9	18.0
COUNTY SUBDIVISION AND PLACE					
Fence Lake CCD	156	83	73	11.0	1.4
Fence Lake CDP	42	23	19	26.3	0.0
Remainder of Fence Lake CCD	114	60	54	5.6	1.9
Grants CCD	8,371	6,722	1,649	4.0	22.6
Acomita Lake CDP	125	111	14	0.0	0.0
Anzac Village CDP	22	17	5	0.0	0.0
Bluewater Acres CDP	317	102	215	1.9	0.9
Bluewater Village CDP	274	225	49	2.0	8.2
Cubero CDP	147	117	30	3.3	0.0
② Grants city	3,804	3,327	477	5.9	59.3
McCartys Village CDP	19	14	5	0.0	0.0
③ Milan village	837	726	111	7.2	41.4
North Acomita Village CDP	124	100	24	0.0	45.8
San Fidel CDP	61	54	7	0.0	0.0
San Mateo CDP	82	62	20	5.0	5.0
San Rafael CDP	449	364	85	5.9	8.2
Skyline-Ganipa CDP	330	298	32	0.0	0.0
South Acomita Village CDP	38	30	8	0.0	0.0
Remainder of Grants CCD	1,742	1,175	567	3.2	3.4
Laguna CCD	1,572	1,340	232	2.2	6.5
Bibo CDP	75	54	21	9.5	4.8
Encinal CDP	71	66	5	0.0	0.0
Laguna CDP	400	355	45	0.0	8.9
Mesita CDP	236	221	15	0.0	0.0
Moquino CDP	21	15	6	0.0	16.7
Paguete CDP	191	145	46	0.0	0.0
Paraje CDP	254	222	32	0.0	28.1
Seama CDP	157	137	20	0.0	0.0
Seboyeta CDP	79	67	12	8.3	0.0
Remainder of Laguna CCD	88	58	30	6.7	0.0
Zuni-Ramah Navajo CCD	1,002	715	287	3.1	5.2
Pinehill CDP	38	32	6	0.0	0.0
Remainder of Zuni-Ramah Navajo CCD	964	683	281	3.2	5.3

$$① - \Sigma ② (4.053) = 4,807$$

EXHIBIT 6

	A	B	C	D	E
1	Community	State	Total DBS Subscribers	2010 Census Data Occupied Housing Units	% of DBS Penetration In Franchise Area Column C/ Column D
2	Grants	NM	1,526	3,327	45.87%

EXHIBIT 7

Community	Comcast Subscribers	2010 Census Data Occupied Housing Units	% of Comcast Penetration
Cibola	3	4807	0.06%

CERTIFICATE OF SERVICE

I, Deborah D. Williams, do hereby certify on this 27th day of September, 2012 that a true and correct copy of the foregoing "Petition for Special Relief" has been sent via U.S. mail, postage prepaid to the following:

Cibola County
County Manager
Scott Vinson
515 West High St.
Grants, NM 87020

City of Grants
Mayor Joe Murrietta
P.O. Box 879
Grants, NM 87020

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

William Lake, Chief, Media Bureau
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554


Deborah D. Williams